

## **A. Foundations of This Handbook**

This handbook focuses on legal procedures and provisions governing school district reorganization and on the decision process that brings about a reorganization action. (Education Code Section [hereinafter EC] 35511)

These actions are governed generally by six major segments of the California Education Code:

1. Part 2, sections 1000 to 1097 and 1500 to 1630, describing the election, organization, and funding of county boards of education, which have the major role in the reorganization process
2. Part 3, sections 4000 to 4024, describing the organization and functions of the County Committee on School District Organization and the transfer of those functions to/from the County Board of Education
3. Part 4, sections 5000 to 5442, concerning district governing board members, elections, and trustee areas
4. Part 21, chapters 3 and 4, including sections 35500 to 35785, describing the procedure and requirements for the reorganization of districts
5. Part 25, chapters 4 and 5, sections 44803, 44847, 44902.1, 44902.2, 44903, 45119, 45120, 45120.1, and 45121, concerning employees in a reorganization action
6. Part 46, sections 74000 to 74290, concerning the reorganization or formation of community college districts

Other codes of legislation, such as the Government Code and the Elections Code, are also referenced. Legal references appear in parentheses following the paragraphs to which they apply. Education Code references will be shown as (EC \_\_\_\_); other legal references are spelled out within the parentheses.

Education Code sections numbered between 1 and 32999 apply to both K–12 and community college district reorganization. Education Code sections numbered above 33000 and less than 66000 apply to K–12 districts only. Community colleges are referenced in various places in the Education Code in sections numbered 66000 or above. See Chapter 12 in this handbook for the major provisions relating to reorganization of community college districts.

The regulations regarding school district organization are in Appendix A, “State Board of Education Regulations and Criteria Regarding School District Reorganization.”

The Education Code does not address every issue of the school district reorganization process that may occur. Moreover, the Education Code (and, subsequently, the information contained in this handbook) is subject to change by the California Legislature. It is recommended that county (or other legal) counsel be consulted whenever school district reorganization issues arise.

## **B. Definitions**

1. “Actions to organize or reorganize districts” means actions to form, dissolve, or lapse a school district or community college district, to annex all or part of the territory of one district to another district, to transfer all or part of one district to another district, to unify or deunify a school district, or to otherwise alter the boundaries of a school district. (EC 35511) See additional elements in Education Code Section 74014.
2. “Lapsation” means the discontinuance or cessation of a school district because of average daily attendance less than statutory minimums specified in EC 35780 and annexation to an adjoining school district. (EC 35783) There is no procedure for the lapsation of community college districts.
3. “County committee” means the county committee on school district organization or a county board of education organized and acting as the county committee as provided for in Article 1 (commencing with Section 4000) of Chapter 1, Part 3, of the Education Code. (EC 35512, 74015)
4. “Districts” means school districts of every kind or class. (EC 35514)
5. “Districts of the same kind” means districts having the same general grade-level groupings. All elementary school districts are districts of the same kind, all high school districts are districts of the same kind, and all unified school districts are districts of the same kind. (EC 35513)
6. “Component district” means either of the following:
  - a. An elementary school district that is included within a high school district (EC 35515)
  - or*
  - b. A high school or unified school district that is included within a community college district. (EC 74012)
7. “State-aided district” means a district to which a conditional or final apportionment has been made under the state school building aid laws. (EC 16150)
8. “Acquiring district” means a district in which all or a part of a state-aided district or applicant district has been included. (EC 16150)
9. “Original district” means any state-aided or applicant district included in whole or in part in an acquiring district. (EC 16150)
10. “Former district” means a district that has been wholly included in another district. The boundaries of a former district are those of the district as it existed immediately prior to being wholly included in another district. (EC 35516, 74013)
11. “Nondistrict territory” means a high school or unified school district that is not included within any community college district. (EC 74012)

12. "Affected school districts," for computation of base revenue limit, means a school district affected by a reorganization because all or a portion of its average daily attendance is to be included in the newly organized districts. (EC 35735)
13. "Affected districts," for community college districts, means any component school district or nondistrict territory within the territory to be transferred, annexed, or formed, or both, or any community college district subject to an action to reorganize districts. (EC 74016)

### **C. Transfer of Functions**

In many counties, the duties or functions of the county board of supervisors relating to matters of school district organization have been transferred to the county board of education, by resolution pursuant to Education Code sections 1043 and 1080. Therefore, duties or functions that are described in this handbook as a responsibility of the board of supervisors may actually be the responsibility of the county board of education in certain counties. Legal counsel should be consulted where there are questions relating to this topic in any individual county.

Chapter 3 contains a discussion of transferring the duties of the county committee.